

National Cannery Association

WASHINGTON, D. C.

Information
Letter



For N. C. A.
Members

Membership Letter No. 96.

January 10, 1925.

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Convention Suggestions.

Certificates

Many of the members have been supplied with the certificates enabling them to take advantage of the reduced rates to the Convention. Others who have not sent in their request for certificates are urged to do so promptly in order that there may be no question of their receiving the certificates in ample time.

Registration

The registration booth will be on the ground floor of the Hotel Gibson, opening off the lobby. Everyone attending is requested to go to the booth and register immediately upon arrival.

Canned Foods Exhibit

Within the last week, several additional applications for space have been received and it now looks like the Canned Foods Exhibit would be worthy of the importance of the canning industry. Every member is urgently requested to visit Music Hall during the week. Having the Food Exhibit and Machinery Exhibit in the same building will be a matter of great convenience to the canners and a pleasure not heretofore enjoyed.

Unfair Competition Charged.

The Federal Trade Commission has issued complaints recently in the following cases:

Five manufacturers of screen doors and window screens are charged with adopting a common selling agency and agreeing that the average cost of manufacture would be the basis for computing the selling price of their products, thus eliminating and destroying competition between these companies. This agreement is held to be in restraint of trade and prejudicial to the public interest and to the competitors of the companies involved.

An eastern cigar company is charged with using misleading labels on its products. The particular words objected to are the brand name, "MARSHALL FIELD", accompanied by a portrait of Mr. Field. Complaint charges that this brand and portrait give the misleading impression that the cigars are manufactured by Marshall Field & Company, Chicago.

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A packing company in Chicago has been charged with unfair competition in connection with the sale of cooking and salad oils, in that they have adopted a trade name and package closely simulating that of a well-known brand of salad oil. It is ordered to discontinue the use of the brand name and the sale of its products in packages simulating that of its competitor. The company is also ordered to cease from attempting to induce retail dealers to substitute their products for that of the competitor referred to.

Brokerage Commission on Short Deliveries.

A canner recently asked whether a broker is entitled to claim full commission for the entire amount of goods covered by an original sales contract, even when the canner was obliged, by climatic condition or other causes beyond his control, to make short delivery.

The question was submitted to the Association counsel, Judge Covington, and he has cited to us a case decided in California in 1922 (Ball vs California Conserving Company. - 207 Pacific 1011).

In that case Ball, representing the brokerage company, brought suit against the canning corporation for broker's full commission to cover a sale of tomato paste, though only partial delivery was made. At the time of the sale, a memorandum was prepared in writing, stating the amount and price of the goods sold and containing, among its terms, reference to the regular California Vegetable Contract. One of the provisions of this Contract admits of pro-rata delivery in case of crop damage or inability of the seller to make full delivery.

The lower court held that the broker was entitled to full commission on this sale, but the matter was appealed to the Supreme Court of the State which reversed the lower court's decision and held that, inasmuch as the sales memorandum referred to the regular California Vegetable Contract and as the broker was familiar with the pro-rata delivery clause in that Contract, he was only entitled to commission on the basis of the amount of goods actually delivered.

Eastern Class Freight Rate Investigation.

Since last May the Association, through its Traffic Committee, has been in constant touch with the investigations being conducted by the Interstate Commerce Commission on the interstate class rate of freight applying by rail, and partly by rail and partly by water, between points in official territory. The Commission has asked the carriers to prepare a suggested plan for the revision of the class rates. This has been done and the Chairman of our Traffic Committee, Mr. E. S. DePass, is keeping in touch through correspondence and through the Bulletins and Pamphlets issued by the various freight associations which set out the proposed revision of the class rates.

The first hearing on this investigation will be at Washington, beginning February 4, at which time the carriers will be heard and are asked to submit such proposals and evidence as they may wish to offer with respect to the rates under investigation.

Following the carrier's presentation, adjournment will be taken to afford time for study of the carriers proposal. The time and place of further hearings for the introduction of shipper's evidence will be announced later. At these hearings opportunity for cross-examination of carrier's witnesses will be afforded.

The industry will be kept fully advised of the developments in this important matter and of course the Traffic Committee will keep in direct touch with the situation.

Liability of Ocean Carriers.

Canners who are engaged in foreign trade will be interested in a recent report issued by the United States Department of Commerce as Trade Information Bulletin No. 297. The title of this Bulletin is "Liability of Ocean Carriers for Cargo Damage or Loss. - Progress Toward Uniform Legislation". Copies of this Bulletin can be secured from this office upon application or by applying directly to the United States Department of Commerce, Washington, or any of its branch offices.

Proposed Increase in Freight Rates on Fruits and Fish in Tin.

The Official Classification Committee has filed with the Interstate Commerce Commission a proposal to change the classification of fruits in tin and fish in tin from Rule 26 to third class. This would mean an increase of 25% in their rates. While this request has not yet been docketed by the Interstate Commerce Commission, the Association, through its Traffic Committee, has filed a vigorous protest against this proposal.

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